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March 17, 2000

HAND DELIVERED

Magalie Romas Salas, Secretary
Federal Communications Commission
445 - 12th Street, S.W., TW-A235
Washington, D.C. 20554

RECEIVED

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: *Ex Parte* Presentation
Wireless E9-1-1 Phase II - CC Docket No. 94-102

Dear Ms. Salas:

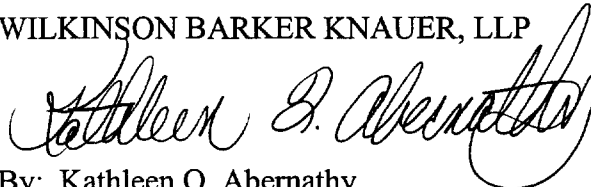
This letter serves as notice that on Thursday, March 16, 2000, the undersigned and Luisa Lancetti representing QUALCOMM Incorporated and Jonas Neihardt, and Kevin Kelly of QUALCOMM Incorporated, met with Kris Monteith, Blaise Scinto, Mindy Littell, Dan Grosh, and Patrick Forster of the Policy Division of the Wireless Bureau to discuss issues addressed in the above-referenced proceeding. The attached document was also distributed.

Pursuant to Section 1.1206(a), an original and one copy of this letter are being filed with your office. Please associate this letter with the file in the above-captioned proceeding.

Should you have any questions regarding this matter, please contact the undersigned.

Sincerely,

WILKINSON BARKER KNAUER, LLP



By: Kathleen Q. Abernathy
Counsel for QUALCOMM Incorporated

Enclosure

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cc: Kris Monteith, Wireless Telecommunications Bureau's Policy Division
Blaise Scinto, Wireless Telecommunications Bureau's Policy Division
Mindy Littell, Wireless Telecommunications Bureau's Policy Division
Dan Grosh, Wireless Telecommunications Bureau's Policy Division
Patrick Forster, Wireless Telecommunications Bureau's Policy Division

Ex Parte Presentation
Re: Wireless E9-1-1 Phase II
Petitions for Reconsideration
CC Docket 94-102

Qualcomm Incorporated
3/16/00

Pending Reconsideration Petitions

- It is necessary for the FCC to change certain of its rules to more accurately reflect marketplace realities.
- Commenters indicate that neither a handset nor a network solution is available that will permit licensees to meet the FCC's schedule for Phase II location capabilities.
- In addition to concerns regarding the actual availability of handsets in the quantities necessary to meet the implementation deadlines, the FCC should adopt a uniform accuracy requirement of 50 meters to satisfy public safety.

Deployment Obligations

- The fundamental flaw with the FCC's proposed deployment schedule is that it fails to recognize the marketplace realities associated with the manufacture and replacement of tens of millions of handsets. The current schedule is particularly aggressive combined with the FCC's decision to impose increased accuracy requirements on handset-based solutions.

No PSAP Request

- Nokia and Motorola, have pointed out that there are very real questions about the ability of manufacturers to supply the numbers of handsets required by carriers to comply with the deployment obligations and similar concerns have been expressed by others.

- As a result of the manufacturing concerns, carriers are very reluctant to take the first step to commit to a network or a handset-based solution for fear they will commit millions of dollars to a particular technology and nevertheless be found in violation of the FCC rules - because of insufficient availability of handsets.
- Consistent with the Advanced E9-1-1 Coalition proposal, the Commission should take the following action on reconsideration:
 - 1) Modify its rules to clarify that carriers are in compliance with the FCC's rules if they timely place orders for ALI-capable handsets from their suppliers in sufficient quantities to meet the deployment obligations under the rules. If a particular manufacturer is delayed in the delivery of the handsets then the carrier has an obligation to notify the FCC of the delay and the expected delivery date.
- This proposed revision to the FCC's rules provide an incentive for carriers to move forward with an E9-1-1 solution well in advance of PSAP requests without any countervailing disincentive to delay deployment.

PSAP Requests

- The FCC rule that requires 100% deployment of ALI-capable handsets within 6 months of a PSAP request could result in a carrier being forced to achieve 100% deployment as early as May 2002.
- This requirement is much more aggressive than the general obligation to ensure that at least 50% of all new handsets be location-capable no later than October 1, 2001, and that 95% of **new digital handsets** activated be location-capable no later than October 1, 2002.
- A better approach that is more consistent with marketplace reality and continues to protect the public interest is to clarify that the six month trigger for compliance will not take effect until after October 1, 2002.
- The Commission should also modify the December 31, 2004 deadline for 100% market penetration.

- 100% penetration is infeasible since not all customers will retire their old handsets. In addition, the record does not support the 2004 deadline. APCO advocated the most stringent penetration benchmark, and it only recommended 95% penetration by 2005.
- The FCC should modify its rules to adopt 95% penetration by 2005.
- Consistent with this change the FCC must also provide greater clarity regarding what constitutes reasonable efforts to meet the final penetration obligation. Specifically, to the extent a carrier implements a subsidy program to encourage the replacement of non-ALI capable handsets, then the carrier is in compliance with the FCC's rules.

FCC Accuracy Requirements

- The FCC adopted two different accuracy requirements in its Order, yet, from a public safety perspective, all users should be capable of being located within the same degree of accuracy.
- The FCC's focus should be to mandate a required level of accuracy that adequately meets public safety requirements for locating individuals and that number appears to be 50 meters. The 50 meter requirement should therefore apply to all technologies to ensure adequate consumer protection.